

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HERIBERTO RODRIGUEZ,)
Plaintiff,) Civil Action No. 2: 14-cv-0324
v.)
United States District Judge
JOHN E. WETZEL, et al.,) Arthur J. Schwab
Defendants.)

MEMORANDUM ORDER

The above captioned case was initiated on March 13, 2014, by the filing of a Complaint and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

Plaintiff, Heriberto Rodriguez, filed a Motion for Preliminary Injunction (ECF No. 4), to which Defendants have responded in opposition (ECF No.47). On February 5, 2015, the magistrate judge filed a Report and Recommendation (ECF No. 82) recommending that Plaintiff's Motion for Preliminary Injunction be denied. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until February 23, 2015, to file written objections to the Report and Recommendation. To date, no objections have been filed nor has Rodriguez requested an extension of time in which to file objections.

The Court notes that since the filing of the Report and Recommendation, Rodriguez has advised the Court that he has been permanently transferred to SCI-Frackville (ECF No. 85). Accordingly, in addition to the reasons stated in the Report and Recommendation, the Motion for

Preliminary Injunction will be denied as moot as Rodriguez is no longer subject to the conditions he attempts to challenge. *See Weaver v. Wilcox*, 650 F.2d 22, 27 n.13 (3d Cir. 1981) (concluding that prisoner's transfer from the prison moots claim for injunctive and declaratory relief with respect to prison conditions, but not claims for damages.).

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 25th day of March, 2015;

IT IS HEREBY ORDERED that Plaintiff's Motion for Injunction (ECF No. 4) is **DENIED as moot.**

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 82), as supplemented, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that this matter is remanded back to the magistrate judge for all further pretrial proceedings.

By the Court:

Arthur J. Schwab
United States District Judge

cc: HERIBERTO RODRIGUEZ
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Timothy Mazzocca
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